

HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-6-5.

Synopsis: Employee's right to work. Makes it a Class A misdemeanor for an employer to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations.

Effective: July 1, 2009.

Torr, Borrer

January 13, 2009, read first time and referred to Committee on Labor and Employment.

C
o
p
y



Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1324

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-6-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 5. Right to Work**

5 **Sec. 1. This chapter does not apply to the following:**

6 (1) **An individual employed by the United States or a wholly**
7 **owned corporation of the United States.**

8 (2) **An individual subject to the federal Railway Labor Act (45**
9 **U.S.C. 151 et seq.).**

10 **Sec. 2. This chapter does not apply to the extent that it conflicts**
11 **with:**

12 (1) **the federal National Labor Relations Act (29 U.S.C. 151 et**
13 **seq.); or**

14 (2) **another federal law or regulation concerning labor**
15 **relations or labor organizations.**

16 **Sec. 3. As used in this chapter, "employer" means:**

17 (1) **a person employing at least two (2) individuals in Indiana;**

C
o
p
y



(2) a public body; or

(3) an agent of an employer described in subdivision (1) or (2).

Sec. 4. As used in this chapter, "labor organization" means an organization, an agency, or a representation committee that exists, in whole or in part, to assist employees in:

(1) bargaining collectively; or

(2) negotiating with employers;

concerning grievances, labor disputes, wages, rates of pay, or terms or conditions of employment. The term includes a school employee organization (as defined in IC 20-29-2-14).

Sec. 5. As used in this chapter, "person" means:

(1) an individual;

(2) a proprietorship;

(3) a partnership;

(4) a firm;

(5) an association;

(6) a corporation; or

(7) another legal entity.

Sec. 6. As used in this chapter, "public body" means the following:

(1) The state.

(2) A municipal corporation (as defined in IC 36-1-2-10).

(3) A public transportation agency (as defined in IC 36-9-1-5.5).

(4) A public utility employer (as defined in IC 22-6-2-2(a)).

(5) A school employer (as defined in IC 20-29-2-15).

Sec. 7. As used in this chapter, "state" means a board, a branch, a commission, a department, a division, a bureau, a committee, an agency, an institution, an authority, or another instrumentality of the state.

Sec. 8. An employer may not require an individual to:

(1) become or remain a member of a labor organization;

(2) pay dues, fees, assessments, or other charges of any kind or amount to a labor organization; or

(3) pay an amount to a charity or third party that is equivalent to or a pro rata part of dues, fees, assessments, or other charges regularly required of members of a labor organization;

as a condition of employment or continuation of employment.

Sec. 9. A written or an oral contract or agreement, express or implied, between:

(1) a labor organization; and

**C
o
p
y**



(2) an employer;
that violates section 8 of this chapter is void.

Sec. 10. An employer that knowingly or intentionally violates section 8 of this chapter commits a Class A misdemeanor.

Sec. 11. An individual who is employed by an employer may file a complaint with the attorney general or the prosecuting attorney of the county in which the individual is employed. The complaint must allege a violation or threatened violation of this chapter. Upon receiving a complaint under this section, the attorney general or prosecuting attorney shall:

- (1) investigate the complaint; and
- (2) enforce compliance if a violation of this chapter is found.

Sec. 12. (a) If an individual suffers an injury:

- (1) as the result of any act or practice that violates this chapter; or
- (2) from a threatened violation of this chapter;

the individual may bring a civil action.

(b) A court may order an award of any or all of the following to an individual who prevails in an action under subsection (a):

- (1) Actual and consequential damages resulting from the violation or threatened violation.
- (2) A civil penalty against the violator of not more than one thousand dollars (\$1,000).
- (3) Reasonable attorney's fees, litigation expenses, and costs.
- (4) Declaratory or equitable relief, including injunctive relief.
- (5) Other relief the court considers proper.

(c) The remedies and penalties in subsection (b) are:

- (1) cumulative; and
- (2) in addition to other remedies and penalties imposed for a violation of this chapter.

SECTION 2. [EFFECTIVE JULY 1, 2009] (a) IC 22-6-5, as added by this act:

- (1) applies to a written or an oral contract or agreement entered into, modified, renewed, or extended after June 30, 2009; and
- (2) does not apply to or abrogate a written or an oral contract or agreement in effect on June 30, 2009.

(b) This SECTION expires July 1, 2012.

**C
O
P
Y**

